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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,231	03/16/2001	Philip R. Thrift	TI-20205.1	3125

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EXAMINER	
CHAWAN, VIJAY B	

ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/811,231	THRIFT ET AL.	
	Examiner	Art Unit	
	Vijay B. Chawan	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *20-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Examiner agrees that claim 39 does not contain the language objected to, therefore, 35 U.S.C. 112, second paragraph rejection for claim 39 is withdrawn.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 20-46 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11-19 of pending U.S. Application No. 08/419,229. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed subject matter is substantially directed to same subject matter. It would have been obvious to one with ordinary skill in the art at the time of invention to modify a speech user agent of Application No. 08/419,229 to include creation of dynamic vocabulary, grammar and actions, because this would give the user access to process

instructions in real time, and an artisan skilled in the art at the time of invention would readily recognize that this would give the user access to process instructions in real time.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 20, 21, 24-28, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefanopuolos et al., (5,333,237), in view of Schmandt et al., ("Augmenting a Window System with Speech input", Computer Magazine, 8/90, vol.23, Issue 8, pages 50-56), and in view of Houser et al., (5,774,859).

As per claims 20 and 35, Stefanopoulos et al., teach a hypermedia structured knowledge base system comprising:

a browsing module (Fig.3g, Col.5, lines 27-34), an information resource (Figures 3c-3f, Col.5, lines 17-35).

Stefanopoulos et al., however, do not specifically teach a speech user agent. Schmandt et al., do teach an interface that uses speech or voice to navigate in a windows environment (page 52, Fig.1, page 50, paragraph 2).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made, to use the method of using speech to navigate in a windows environment as taught by Schmandt et al., and incorporating it into the hypermedia structured knowledge based system as taught by Stefanopoulos et al., because, this would enable a user to obtain a speech interface to the Web that allows easy access to information on the Web by reducing manual intervention (i.e., the use of a keyboard), and which is user friendly. Houser et al., while not teaching a browser, provides access to the Internet or the World Wide Web using speech for facilitating access to the information resources available on the World Wide Web (Col.11, lines 47-50). The combination of Stefanopoulos et al., in view of Schmandt et al., and in view of Houser, provide the user with a speech navigable interface to the World Wide Web or the Internet which is user friendly.

As per claim 21 and 25 and 26, Stefanopoulos teaches an embedded intelligence in a hypermedia source (abstract), and an instructional module for communicating allowed actions by a user to access information (Figure, 4h, Col.6, lines 55-68, Figures 5a-5g, Col.7, lines 19-23).

As per claim 22, Houser et al., teach the apparatus of claim 21, further including a means for processing the verbal directions of a user based on said grammar, (Col.8, lines 29-38).

As per claim 23, Houser et al., teach the apparatus of claim 22, further including a means for returning a result of said verbal directions to said user (Col.11, lines 42-50).

As per claim 24, Houser et al., teach connection to the Internet (Col.11, line 50), which has as its resource an HTML page (Col.30, lines 6-18).

As per claim 27, Schmandt et al., teach dynamic building of grammar in a speech interface (Xspeak II)

As per claim 29, Houser et al., teach the apparatus of claim 22, wherein said actions come from a speech recognizer (abstract).

6. Claims 30-34, and are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefanopuolos et al., (5,333,237), in view of Schmandt et al., ("Augmenting a Window System with Speech input", Computer Magazine, 8/90, vol.23, Issue 8, pages 50-56), and further in view of Arons ("Hyperspeech: navigating in speech-only hypermedia", Proceedings of the third annual ACM conference on Hypertext, December 15-18, 1991, pages 133-146).

Stephanopoulos et al., in view of Schmandt et al., while teaching, connecting and accessing data on the Internet do not specifically teach dynamically adding grammar to a speech recognizer, extracting a grammar from a hypermedia

source, automatically producing an intelligent grammar from said information source, processing said grammar to produce a reference to said hypermedia source, and tokenizing a title for addition into said grammar. Arons teaches dynamically adding grammar to a speech recognizer, extracting a grammar from a hypermedia source, automatically producing an intelligent grammar from said information source, processing said grammar to produce a reference to said hypermedia source, and tokenizing a title for addition into said grammar (abstract, sections "Plans for future versions", sections "Software version", and "The links").

It would have been obvious to one with ordinary skill in the art at the time of invention to implement navigating in speech only hypermedia as taught by Arons, because this would greatly reduce manual intervention, and, at the same time provide the user with much needed access to an information resource such an the World Wide Web or the Internet.

Claim 36 is a method claim similar in scope and content of apparatus claims 20 and 21 above, and is rejected under similar rationale.

Claims 37-48 are similar in scope and content of claims rejected above and are rejected under similar rationale.

Response to Arguments

7. Applicant's arguments filed 10/19/04 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one with ordinary skill in the art at the time the invention was made, to use the method of using speech to navigate in a windows environment as taught by Schmandt et al., and incorporating it into the hypermedia structured knowledge based system as taught by Stefanopoulos et al., because, this would enable a user to obtain a speech interface to the Web that allows easy access to information on the Web by reducing manual intervention (i.e., the use of a keyboard), and which is user friendly. Houser et al., while not teaching a browser, provides access to the Internet or the World Wide Web using speech for facilitating access to the information resources available on the World Wide Web (Col.11, lines 47-50). The combination of Stefanopoulos et al., in view

of Schmandt et al., and in view of Houser, provide the user with a speech navigable interface to the World Wide Web or the Internet which is user friendly. .

8. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

9. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vijay B. Chawan whose telephone number is (703) 305-3836. The examiner can normally be reached on Monday Through Thursday 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vijay B. Chawan
Primary Examiner
Art Unit 2654

vbc
3/7/05

VIJAY CHAWAN
PRIMARY EXAMINER